

AN ACT concerning government.

**Be it enacted by the People of the State of Illinois,  
represented in the General Assembly:**

Section 5. The Government Severance Pay Act is amended by changing Sections 5 and 10 as follows:

(5 ILCS 415/5)

Sec. 5. Definitions. As used in this Act:

"Department" means any branch, department, college, or school of a university established by the board of trustees of the university.

"Misconduct" includes, but is not limited to, the following:

(1) Conduct demonstrating conscious disregard of an employer's interests and found to be a deliberate violation or disregard of the reasonable standards of behavior which the employer expects of his or her employee. Such conduct may include, but is not limited to, willful damage to an employer's property that results in damage of more than \$50, or theft of employer property or property of a customer or invitee of the employer.

(2) Carelessness or negligence to a degree or recurrence that manifests culpability or wrongful intent, or shows an intentional and substantial disregard of the

employer's interests or of the employee's duties and obligations to his or her employer.

(3) Chronic absenteeism or tardiness in deliberate violation of a known policy of the employer or one or more unapproved absences following a written reprimand or warning relating to more than one unapproved absence.

(4) A willful and deliberate violation of a standard or regulation of this State by an employee of an employer licensed or certified by this State, which violation would cause the employer to be sanctioned or have its license or certification suspended by this State.

(5) A violation of an employer's rule, unless the claimant can demonstrate that:

(A) he or she did not know, and could not reasonably know, of the rule's requirements;

(B) the rule is not lawful or not reasonably related to the job environment and performance; or

(C) the rule is not fairly or consistently enforced.

(6) Other conduct, including, but not limited to, committing criminal assault or battery on another employee, or on a customer or invitee of the employer, or committing abuse or neglect of a patient, resident, disabled person, elderly person, or child in her or his professional care.

"Severance pay" means the actual or constructive

compensation, including salary, benefits, or perquisites, for employment services yet to be rendered which is provided to an employee who has recently been or is about to be terminated, or a university president or chancellor who is transitioning to a new position within the university for which he or she is employed, excluding interim presidents and interim chancellors.

"Unit of government" means and includes all boards, commissions, agencies, institutions, authorities, and bodies politic and corporate of the State, created by or in accordance with the constitution or statute, of the executive branch of State government and does include colleges, universities, and institutions under the jurisdiction of the governing boards of the University of Illinois, Southern Illinois University, Illinois State University, Eastern Illinois University, Northern Illinois University, Western Illinois University, Chicago State University, Governors State University, Northeastern Illinois University, and the Board of Higher Education. "Unit of government" also includes units of local government, school districts, and community colleges under the Public Community College Act.

(Source: P.A. 100-895, eff. 1-1-19.)

(5 ILCS 415/10)

Sec. 10. Severance pay.

(a) A unit of government that enters into a contract or

employment agreement, or renewal or renegotiation of an existing contract or employment agreement, that contains a provision for severance pay with an officer, agent, employee, or contractor must include the following provisions in the contract:

(1) a requirement that severance pay provided may not exceed an amount greater than 20 weeks of compensation; ~~and~~

(2) a prohibition of provision of severance pay when the officer, agent, employee, or contractor has been fired for misconduct by the unit of government; and -

(3) a requirement that if a provision to transition into a different position is included in a university president's or chancellor's contract, then the contract must include which department he or she will transition into, and a provision that compensation shall not exceed the annual compensation of the highest paid employee in the department, and that the annual salary shall be commensurate with his or her assigned duties and rank as determined by the Dean of the College, and with the approval of the interim or acting president and the board of trustees.

(b) Nothing in this Section creates an entitlement to severance pay in the absence of its contractual authorization or as otherwise authorized by law.

(c) Notwithstanding any other provision to the contrary,

this Act shall not apply to contracts or employment agreements for individuals employed by the department of intercollegiate athletics of a college or university when the employee's compensation is funded by non-State-appropriated funds, such as revenues generated by athletic events or activities, gifts or donations, or any combination thereof. Nothing in this Section entitles an individual employed by the department of intercollegiate athletics of a college or university to receive severance pay when that individual has been dismissed for misconduct.

(Source: P.A. 100-895, eff. 1-1-19; 101-195, eff. 8-2-19.)

Section 10. The Board of Higher Education Act is amended by changing Section 13 as follows:

(110 ILCS 205/13)

Sec. 13. Leadership training for university board members.

(a) The Board shall require every voting member of the governing board of a public university appointed for a term beginning after January 1, 2016 to complete a minimum of 4 hours of professional development leadership training covering topics that shall include, but are not limited to, public university and labor law, contract law, ethics, sexual violence on campus, financial oversight and accountability, audits, and fiduciary responsibilities of a member of a governing board within 2 years after beginning service and

within every 2 years of service thereafter.

(b) A public university shall maintain on its Internet website the names of all voting members of the governing board who have successfully completed the training.

(b-5) Beginning July 1, 2022, the Board shall create and maintain on its Internet website an online trustee resource center that shall, at a minimum, do all of the following:

(1) provide updates on all statutes relevant to the work of the governing boards of universities;

(2) include all of the documents and resources provided to trustees during the professional development leadership training course; and

(3) provide an online portal for trustees to submit questions and receive answers from the Board.

(c) Beginning after the effective date of this amendatory Act of the 99th General Assembly, by July 31 of each year, the chairperson of each governing board shall certify to the Board the number of hours of training that each member received during the preceding fiscal year.

(d) If the certification indicates that a board member has not completed the training required under this Section, the Board shall send a notice to the Governor, the President of the Senate, the Minority Leader of the Senate, the Speaker of the House of Representatives, and the Minority Leader of the House of Representatives of that fact, and the governing board shall suspend the board member from continued service, at which

point, the board member has 45 days to complete all training deemed incomplete as provided by the certification. Failure of the board member to complete the necessary training within this probationary period constitutes a resignation from and creates a vacancy in the governing board, to be filled as provided by law.

(e) The training under this Section may be provided by the Board or by other qualified providers approved by the Board.

(Source: P.A. 99-695, eff. 1-1-17.)

Section 99. Effective date. This Act takes effect upon becoming law.